



REMARKS/ARGUMENTS

Claims 1-4 and 10-14 are pending in this application.

Support for the amendment to Claim 1 is found page 21, line 18 through 27 and page 14, lines 5-10.

No new matter is added.

Amended drawings are provided Figures 1, 2, 5-14 to address the issues raised by the Examiner in the Office Action.

No new matter is believed to have been added by these amendments.

The Examiner has rejected the claims over new prior art references. Specifically, the Examiner has rejected the claims in view of the publication of Miyazaki et al (2001) and in view of the combination of U.S. 6,251,876 (Bellini), US 6,096,728 (Collins), US 4,141,973 (Balazs), and Miyazaki et al.

Miyazaki et al appear to describe a cross-linked gel composed of hyaluronic acid and an antibiotic (doxycycline), see Figure 5 on page 342 of Miyazaki et al. Notably, in the preparation of this gel, both a crosslinking agent (magnesium chloride) with the antibiotic is added. Notwithstanding the Examiner's reliance on U.S. '876 ("Bellini") for auto-crosslinked self esters, it is readily apparent that the Miyazaki gel is quite different from the gel as claimed. Specifically, as noted in amended claim 1, the gel is prepared without cross-linkers and the antibiotic is added to the already formed gel. This results in a different structure than the Miyazaki gel because unlike the Miyazaki gel (which requires cross-linking mediated between the Magnesium AND the antibiotic), the claimed composition and gel

would not inherently form such a structure (the gel is formed without crosslinkers—such as magnesium and the antibiotic is not crosslinked into the gel as in Miyazaki).

Therefore, the claims are neither anticipated nor obvious in view of Miyazaki because Miyazaki describes no other way to prepare the gels and, in fact, mandates that the procedure described be followed.

Withdrawal of this rejection is requested.

The Bellini reference appears to describe auto-crosslinked HA gels, the Examiner relies essentially on Miyazaki et al to provide evidence that the higher molecular weight gels are advantageous, in terms of release rates. However, as already noted by the Examiner, Bellini also mandates the presence of a crosslinkers (col. 4, lines 25-65) and provides no reason to prepare and obtain a gel as set forth in the claims. The secondary references of US 6,096,728 (Collins), US 4,141,973 (Balazs), and Miyazaki et al provide no reason to prepare a gel in the manner that is claimed, noting again that a gel prepared with magnesium (referring to Miyazaki and col. 4 of Bellini) would inherently have a different structure than the gel and antibiotic composition prepared in the manner as claimed.

Accordingly, withdrawal of the rejection is requested.

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Reply to Office Action of June 2, 2006

Applicants also request a Notice of Allowance for all pending claims.

Respectfully submitted,

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